Exhibit E to the Declaration of David H. Kramer

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Google, Inc.,

Plaintiff,

v.

Affinity Engines, Inc.,

Defendant.

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NO. C 05-00598 JW

SCHEDULING ORDER FOLLOWING CASE MANAGEMENT CONFERENCE

On October 17, 2005, the Court held an interim case management conference in this case. In light of the parties' representations, this Court limits the scope of the deposition for Larry Page and Sergey Brin to the single issue of their meeting with Orkut Buyukkokten. The parties have agreed to dates for the depositions of Mr. Page and Mr. Brin on this issue. Accordingly, the schedule outlined in the September 29, 2005 Scheduling Order (Docket No. 45) remains: Should Plaintiff choose to file a motion for partial summary judgment limited to (1) ownership of the allegedly copyrighted work, and (2) substantial similarity between the Plaintiff's and Defendant's work, Plaintiff should file this motion by November 28, 2005. Defendant's opposition shall be filed with this Court on or before January 30, 2006. Plaintiffs reply shall be filed by February 13, 2006. A hearing on the motion is scheduled for February 27, 2006 at 9:00 a.m.

Defendant may depose Mr. Buyukkokten on a broader range of issues relevant to ownership and substantial similarity. Should Defendants have difficulty scheduling a deposition of Mr.

Buyukkokten, Defendants may seek an ex parte remedy through this Court. Other discovery motions, such as a motion for a protective order shall be brought before Magistrate Judge Lloyd.

Dated: October 17, 2005

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JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: October 17, 2005

Richard W. Wieking, Clerk

By:__/s/ JW Chambers_________
Ronald L. Davis
Courtroom Deputy